

CAPISTRANO UNIFIED SCHOOL DISTRICT
33122 Valle Road
San Juan Capistrano, CA 92675

BOARD OF TRUSTEES
Special Meeting

March 15, 2017

Closed Session: 5:00 p.m.
Open Session: Immediately Following Closed

AGENDA

CLOSED SESSION AT 5:00 P.M.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION EXHIBIT A-1

Susan Holliday

Attorney – Anthony P. De Marco

Significant Exposure to Litigation – One Case

(Pursuant to Government Code § 54956.9 (d)(2))

Kirsten M. Vital and Clark Hampton

Attorney: Stan Barankiewicz

Significant Exposure to Litigation – One Case

(Pursuant to Government Code § 54956.9(d)(2) (3))

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Kirsten M. Vital and Clark Hampton

Attorney: Stan Barankiewicz

Property: PA2 School Site APN: 755-301-37

Negotiating Party: RMV PA2 Development, LLC, a Delaware limited liability company

Under Negotiation: Price and Terms of Payment

(Pursuant to Education Code § 54956.8)

C. PUBLIC EMPLOYMENT AND EVALUATION OF PERFORMANCE

Superintendent

(Pursuant to Government Code § 54957(b))

D. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten M. Vital/Gordon Amerson/Clark Hampton

Employee Organizations:

1) Capistrano Unified Education Association (CUEA)

2) California School Employees Association (CSEA)

3) Teamsters

(Pursuant to Government Code § 54957.6)

RECORDING OF SCHOOL BOARD MEETINGS

In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded.

OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

REPORT ON CLOSED SESSION ACTION

ORAL COMMUNICATIONS (Non-Agenda Items)

Oral Communications will occur immediately following Board and Superintendent Comments. The total time for Oral Communications shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual.

DISCUSSION ACTION ITEMS

1. RESOLUTION NO. 1617-56, RATIFICATION OF AGREEMENT TO PURCHASE THE ESENCIA SCHOOL SITE AND DELEGATION TO ACCEPT THE DEED:

Approval of Resolution No. 1617-56, Ratification of Agreement to Purchase the Esencia School Site and Delegation to Accept the Deed. On November 6, 2013, the Board of Trustees adopted Resolution No. 1314-25, Resolution of the Board of Trustees of the Capistrano Unified School District Approving School Facilities Financing Agreement Relating to Planning Areas No. 1 and No. 2 and County of Orange Entitlements as to Rancho Mission Viejo Project and Related Agreements, Authorizing Execution Thereof and Delegating Authority as to Related Matters. Resolution No. 1314-25 authorized District staff to arrange for financing, comply with the California Environmental Act and secure school site entitlements. It also approved the form of the Agreement for Purchase and Sale and Escrow Instructions (PA2 School Site) (Purchase Agreement) and the form of the deed for the Esencia School site. Consistent with the School Facilities and Funding Agreement and Option to Purchase School Site, the purchase price for the Esencia School Site was determined to be \$33,860,000. This determination was shared with the Board of Trustees on February 10, 2017.

With the completion of these planning efforts, the District’s Deputy Superintendent, Business and Support Services executed the Purchase Agreement to open escrow and to complete the purchase on March 20, 2017. Accordingly, the Board of Trustees must ratify entering into the Purchase Agreement and delegate authority to the Deputy Superintendent, Business and Support Services to accept the executed deed for the Esencia School site. Copies of the Purchase Agreement and Form of Deed are attached as exhibits to Resolution No. 1617-56.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services to present this item.

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1617-56, Ratification of Agreement to Purchase the Esencia School Site and Delegation to Accept the Deed.

Motion by _____ Seconded by _____

ADJOURNMENT

DISCUSSION/
ACTION
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EXHIBIT 1

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, MARCH 22, 2017, 7:00 P.M.
AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM
33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA**
For information regarding Capistrano Unified School District, please visit our website:
www.capousd.org

INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS PRESENT AT THIS MEETING

We are pleased you can be with us at this meeting, and we hope you will return often. Your visit assures us of continuing community interest in our schools.

The members of the Board of Trustees of this District are locally elected state officials, who serve four-year terms of office, and who are responsible for the educational program of our community from grades kindergarten through twelve. They are required to conduct programs of the schools in accordance with the State of California Constitution, the State Education Code, and other laws relating to schools enacted by the Legislature, and policies and procedures which this Board adopts.

The Board is a policy-making body whose actions are guided by the school district's Mission and Goals. Administration of the District is delegated to a professional administrative staff headed by the Superintendent.

The agenda and its extensive background material are studied by each member of the Board for at least two days preceding the meeting. Board Members can call the administrative staff for clarification on any item, and many of the items on the agenda were discussed by the Board during previous meetings. These procedures enable the Board to act more effectively on agenda items than would otherwise be possible.

WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES

ITEMS ON THE AGENDA. Any person may address the Board concerning any item on the agenda and may, at the discretion of the Board, be granted three (3) minutes to make a presentation to the Board at the time a specific item is under discussion. However, the time assigned for individual presentations could be fewer than three (3) minutes depending upon the total number of speakers who wish to address a specific agenda topic. Prior to the opening of the meeting, a Request to Address the Board card (located in the foyer) should be completed and submitted to the Secretary of the Board. The total time devoted to presentations to the Board shall not exceed twenty (20) minutes, unless additional time is granted by the Board. All presentations shall be heard by the Board prior to the formal discussion of the agenda topic under consideration. Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic.

ORAL COMMUNICATIONS (Non-Agenda Items). Citizens may address the Board on any item not appearing on the agenda. Individual presentations are limited to three (3) minutes per individual, with twenty (20) minutes in total being devoted for this purpose, but could be less if there are a large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. However, at its discretion, the Board may refer items to the administration for follow-up or place topics on a future Board agenda.

PUBLIC HEARINGS. Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on that topic before the public hearing, except as to the scheduling of the hearing, nor shall it hear speakers after the hearing, except as to changes in the policy or recommended actions which are directed at the time of the hearing.

CLOSED SESSION. In accordance with Education Code § 35146 and Government Code § 54957, the Board may recess to Closed Session to discuss personnel matters which they consider inadvisable to take up in a public meeting.

REASONABLE ACCOMMODATION

In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). Persons with a disability who require a disability-related accommodation or modification, including auxiliary aids and services in order to participate in a Board meeting, shall contact the Superintendent or designee in writing by noon on the Friday before the scheduled meeting. Such notification shall provide school district personnel time to make reasonable arrangements to assure accessibility to the meeting.